

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KELLY S. MAHNKE,

Plaintiff,

v.

DANIEL GARRIGAN,

Defendant.

ORDER

09-cv-408-wmc

In this lawsuit brought under 42 U.S.C. § 1983, plaintiff Kelly S. Mahnke contended that defendant Daniel Garrigan of the Columbia County Sheriff's Department violated her Fourth and Fourteenth Amendment rights when he removed her horse from her possession on July 4, 2003, based on the mistaken belief that it had been mistreated.. On June 28, 2010, the court granted defendant's motion for summary judgment, denied plaintiff's motion for summary judgment, entered judgment in defendant's favor and closed the case. On July 12, 2010, Mahnke moved to supplement the record to add the depositions of Shirley Hoel and Jennifer Thompson. Since these depositions were docketed on July 12, 2010, her motion to supplement the record will be granted.

Also before the court is Mahnke's' July 27, 2010 notice of appeal and request to proceed in forma pauperis on appeal. Because plaintiff was granted leave to proceed in forma pauperis in this court, she "may proceed on appeal in forma pauperis unless the district court shall certify that the appeal in not taken in good faith or shall find that the party is otherwise not entitled so to proceed." Fed. R. App. P. 24(a). The court being

unable to so certify and seeing no other reason to deny Mahnke's request to proceed in forma pauperis,

IT IS ORDERED that

1. Plaintiff Kelly S. Mahnke's motion for leave to proceed in forma pauperis on appeal, dkt. #92, is GRANTED.
2. Plaintiff's motion to supplement the record, dkt. #84, is GRANTED.

Entered this 3rd day of August, 2010.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge